

second time, and, on motion of Mr. Robertson, referred to the committee on Finance.

A bill to amend the 6th and 34th sections of an act to regulate proceedings in the District Courts, approved May 13, 1846; read second time, and, on motion of Mr. Hart, referred to the Judiciary committee.

Joint resolution, relative to extending the jurisdiction of the State of Texas over a certain portion of Red River; read second time, and, on motion of Mr. Parker, referred to the committee on Federal Relations.

A bill to amend the 17th section of the act to provide for the assessment and collection of taxes, approved March 20, 1848; read second time, and, on motion of Mr. Wallace, referred to the committee on Finance.

The report of the committee on Private Land Claims, on the petition of B. J. Thompson, was read, and, on motion of Mr. Wallace, referred, together with the accompanying documents, to the committee on Public Lands.

Joint resolution for the relief of the heirs of Wm. Mockford; read first time.

Resolution offered, on yesterday, by Mr. Van Derlip, relative to an adjournment from 22d inst. to 1st January next; read, and, on motion of Mr. Van Derlip, laid on the table until the 17th instant.

On motion of Mr. Hart, the Senate adjourned.

SATURDAY, 9 o'clock, A. M., December 15, 1849.

The Senate was called to order by the President. Senators present: Messrs. Burleson, Cooke, Davis, Gage, Grimes, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

Prayer by the Chaplain. The journals of yesterday were read and adopted.

Mr. Truit presented the petition of James Wagstaff, Administrator of William H. Malone; which was read, and, on motion of Mr. Truit, referred, with the accompanying documents, to the committee on Private Land Claims.

Mr. Cooke presented the petition of S. G. Norvell; which was,

on motion of Mr. Cooke, referred to the committee on Private Land Claims, without reading.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to amend the 26th section of an act regulating attachments, reported a substitute for the same and recommended its adoption.

Mr. Cooke, chairman of the committee on Claims and Accounts, made the following report:

COMMITTEE ROOM, December 14, 1849.  
To the Hon. J. A. Greer,

*President of the Senate:*

The committee on Claims and Accounts, to whom was referred the petition of Wm. B. Lewis and others, have had the same under consideration, and state that we are unable to see how the vouchers, which have been transmitted to us, can, in any way, create a liability, on the part of Texas, for the payment of the amount claimed by the petitioners. It seems that the claimants have not complied with the laws of the State by the presentation of this claim to the Board of Commissioners, whose duty it was to examine and decide upon claims against the late Republic of Texas. We, therefore, beg leave to report the same back to the Senate, and ask leave to be discharged from the further consideration of the subject. Respectfully,

W. K. COOKE, Chairman.

Mr. Burleson, chairman of the committee on Military Affairs, made the following report:

COMMITTEE ROOM, December 13, 1849.  
To the Hon. John A. Greer,

*President of the Senate:*

The committee on Military Affairs, to whom was referred the resolution instructing the committee to enquire into the expediency of repealing the act to organize the militia of the State of Texas, approved April 21, 1846; and an act to provide for closing the business of the late War and Marine Department, approved April 27, 1846, and of transferring the archives and records of the Adjutant General's office to the Secretary of State, have had the same under consideration, and have instructed me to report:

The militia law of the State of Texas is a dead letter upon our statute-book. It contemplates and requires a species of service from the people unsuited to their taste, and considered by them unnecessary. Patriotic, in an eminent degree, and devoted beyond any other people to the service of their country, when-

ever threatened with danger and the public exigencies may require their exertions; there is no people who regard with more contempt and derision the mean paraphernalia and gewgaw show of military exercise. Instead of considering the militia muster a valuable military school, they regard it as an unnecessary consumption of time, and pay little or no attention to the mandates of our militia officers. Accustomed to volunteer in numbers as required by any public emergency, and to select the officers from their own ranks, they would be extremely reluctant to submit to any other discipline. And, indeed, under such organization, they have shown themselves so efficient in actual service, that every discreet observer must be convinced that the system is superior to any other which can be devised to render the militia of the State what they emphatically are, the strong arm for the defence of the State. Unanimous in this sentiment, the committee recommend the repeal of the act to organize the militia of the State of Texas, approved April 21, 1846.

The business of the late War and Marine Department having been almost closed, and the duties of the Adjutant General being merely nominal, the committee recommend the repeal of the act to provide for closing the business of the late War and Marine Department, approved April 27, 1846; and that the records, books and papers of the Adjutant General's office be immediately transferred to the office of the Secretary of State.—The additional duties, which may be imposed upon that officer, will be merely nominal, whilst it will result in an actual saving to the State of one thousand dollars, the salary of that officer.

The committee deem it expedient to guard against any unnecessary delay which, under some unforeseen emergency, might occur to invest the Governor, made by the constitution, the commander-in-chief of the militia of the State, with authority to appoint a general staff to consist of an Adjutant General, Inspector General, Quarter-master, Commissary General, Pay-master General and Surgeon General, whose duties shall be prescribed by the Governor, and whose pay shall be regulated by law, when in actual service. With power to organize the militia and order elections for division, brigade, regimental, battalion and company officers under such rules and regulations as he may deem expedient and proper. Such organization only to take place in event of actual impending necessity. This the committee have deemed the most advisable plan, and have accordingly instructed me to prepare the accompanying bill and recommend its passage.

EDWARD BURLESON,

*Chairman of the Committee on Military Affairs.*

A bill to repeal an act to provide for closing the business of the late War and Marine Department, and to transfer the books, records and papers of the Adjutant General's office to the office of Secretary of State; read first time.

A bill to authorize the Governor to appoint a general staff, and to organize the militia of this State; read first time.

Mr. Burleson, also, made the following report:

COMMITTEE ROOM, December 13, 1849.

To the Hon. John A. Greer,

*President of the Senate:*

The committee on Military Affairs, to whom was referred the petition of Elizabeth Ryals, together with an account and vouchers, praying the State to pay for certain property destroyed by Mexican robbers, on the 18th day of September, A. D. 1841, have had the same under consideration, and have instructed me to report:

The distress, to which the petitioner has been reduced, entitles her to the deepest commiseration of every human being; that it was inflicted by the public enemy of Texas upon citizens entitled to the protection of our Government, is evidenced by the testimony of the petitioner and that of honorable members of the Senate, that the petitioner is entitled to relief, whenever the State of Texas may be able to satisfy that class of claimants, admits, in the opinion of the committee, no doubt.—The committee, however, deem it imprudent, at this time, to take any other steps than to audit the claim of the petitioner and have the same placed among the acknowledged debts due by the late Republic of Texas, and to be discharged in its regular gradation whenever the State may be able to pay that debt. The committee have, therefore, instructed me to recommend the petition to the favorable consideration of the Senate, and to report the accompanying bill and recommend its passage.

EDWARD BURLESON,  
*Chairman of the Committee on Military Affairs.*

A bill for the relief of Elizabeth Ryals; read first time.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill making an appropriation to defray the expense incurred in publishing the proposed amendment to the constitution, reported the same back to the Senate and recommended its passage.

Mr. Van Derlip introduced a joint resolution for the relief of John Neill; read first time.

On motion of Mr. Portis, the rule was suspended—joint resolution read second time and referred to the committee on Private Land Claims.

Mr. Robertson introduced a bill to repeal an act entitled an act to prescribe the time of the biennial meeting of the Legislature of the State of Texas; read first time.

Mr. Van Derlip introduced a bill to incorporate the President and Trustees of the Guadalupe High School Association; read first time.

Mr. Burleson offered the following resolution:

*Resolved*, That the Governor be, and he is hereby requested to furnish the Senate with all the information in his possession, relative to late Indian depredations in Western Texas.

#### ORDERS OF THE DAY.

Mr. Wallace moved to reconsider the vote, which adopted the amendment of the House to a bill authorizing the Governor to subscribe, on behalf of the State, for 1500 copies of a digest of the laws of Texas proposed to be published by O. C. Hartley, Esq.; lost.

On motion of Mr. Phillips, the bill was recalled from the hands of the Enrolling Clerk.

On motion of Mr. Phillips, the amendment of the House, which was omitted to be reported on yesterday, was concurred in.

A bill creating the county of Tarrant; read third time and passed.

A bill creating the county of Ellis; read third time and passed.

A bill supplementary to an act entitled an act to establish and incorporate the College of DeKalb, approved January 26, 1839; read second time, and, on motion of Mr. Ward, referred to the committee on Education.

Joint resolution for the relief of the heirs of William Mockford; read second time, and, on motion of Mr. Hart, referred to the committee on Private Land Claims.

The resolution of the Senate, relative to the election of a Sergeant-at-arms pro. tem.; read, and, on motion of Mr. Gage, laid on the table until Tuesday, the 18<sup>th</sup> inst.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had passed a bill to revive and amend an act to locate permanently the seat of justice for the county of De Witt, approved March 9, 1848;

Also, that the House had concurred in the amendment of the

Senate to a bill to authorize and empower all State, District and County officers to continue to perform the duties of their respective offices until their successors are elected, &c. ;

Also, that the House had passed a bill to provide for ceding to the United States jurisdiction of certain land in this State for public purposes, with an amendment. The Senate concurred in the amendment.

The report of the committee on Finance recommending that the committee on Printing be instructed to contract for the printing of — copies of the report of the Treasurer; read.

Mr. Grimes moved to amend the report by inserting after the word "State" the words "and Comptroller;" adopted.

Mr. Pease moved to fill the blank with 1000.

On motion of Mr. Robertson, the blank was filled with 2000.

On motion of Mr. Pease, the report was amended by adding the word "in pamphlet form."

The report was then adopted.

A bill supplementary to an act incorporating the Western Texas Orphan Asylum; read second time, and, on motion of Mr. Van Derlip, referred to the committee on the Judiciary.

A bill to provide for the collection of the uncollected taxes assessed for and due the late Republic of Texas; read second time, and, on motion of Mr. Latimer, referred to the committee on the Judiciary.

A bill supplementary to an act to incorporate the Austin College, approved November —, 1849; read second time and ordered to be engrossed.

A bill to provide for holding an election for the permanent location of the seat of government of the State; read and passed to the third reading.

Joint resolution for the mutual surrender of persons therein mentioned by the Governments of the United States and Mexico, together with the report of the committee on Federal Relations offering amendments thereto, was read.

The 1st amendment offered by the committee read and adopted. The 2d amendment, also, read and adopted. The 3d amendment was read and adopted by the following vote:

Yea: Messrs. Burleson, Cooke, Gage, Grimes, Latimer, Moffett, Parker, Portis, Robertson, Truit, Ward and Walker—12.

Nay: Messrs. Davis, Hart, McRae, Pease, Phillips, Taylor and Wallace—7.

The bill was then passed to the third reading.

Mr. Walker introduced a bill for the relief of the citizens of Peters' colony; read first time.

A bill to repeal the first section of an act supplementary to an act regulating the sale of runaway slaves, approved January 27, 1844, together with the report of the committee on the Judiciary offering a substitute therefor, was read; report adopted—bill read second time and ordered to be engrossed.

Joint resolution for the relief of the owner of a certain Austin city lot, together with the report of the committee on Private Land Claims; read, and, on motion of Mr. Robertson, laid on the table.

Joint resolution for the relief of James M. Manning; read and passed to the third reading.

Joint resolution authorizing the procurement of a slab of native marble of the required dimensions to be placed in the national monument, being built in the city of Washington; read.

Mr. Latimer moved to amend by inserting after the word "therein" in 5th line the words "which, if practicable, shall be taken from the walls of the Alamo;" adopted.

The bill was then passed to the third reading.

A bill to incorporate the Bexar Manufacturing Company; read and ordered to be engrossed.

A bill to revive and amend an act to locate permanently the seat of justice for the county of De Witt, approved March 9, 1848; read first time, and, on motion of Mr. Phillips, laid on the table.

Mr. Davis introduced a bill to incorporate the town of Rio Grande City; read first time.

Mr. Portis, chairman of the committee on Education, to whom was referred a bill to incorporate the Texana Academy, reported the same back to the Senate, without amendment, and recommended its passage.

On motion of Mr. Taylor, the Senate adjourned.

MONDAY 9 o'clock, A. M., Dec. 17, 1849.

The Senate was called to order by the President. Senators present: Messrs. Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

Prayer by the Chaplain. The journals of Saturday were read and adopted.

Mr. Truit presented the petition of William G. Runnels; which